

# S P E E C H

OF

## HON. SAMUEL J. RANDALL, OF PA.,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 15, 1864.

The House having under consideration the joint resolution proposing amendments to the Constitution of the United States—

Mr. RANDALL said :

Mr. SPEAKER : The joint resolutions under consideration propose to amend the Constitution of the United States so as to prevent the existence of slavery in any of the States. Sir, I cannot favor this amendment with my vote for many reasons :

1. The time proposed for the agitation of this question is most inopportune. Our country is rent by the throes of civil strife, and the Constitution that you seek to amend by these resolutions is being tested by the intense fires of rebellion. Under such circumstances, it is unwise to make any alteration whatever. It is doing a double injury to that sacred instrument, being, in my judgment, wrong in point of time as well as impolitic and entirely unnecessary. In fact, sir, I am convinced that the occasion does not now, nor is it likely to, occur that will justify any amendment of the kind proposed.

2. It in substance says to the people of the seceded States that we never will live on terms of peace within the Union so long as slavery has any existence among them, and to this extent prevents any restoration of the Union or reinforcement of the Constitution within their territory, except after subjugation and annihilation shall have been fully accomplished with all its dire, bloody, and barbarous accompaniments.

3. It tends to that which at this time our people have most to fear, a centralization of power and a consolidated Government. It strikes at the root of all State institutions, overturns and sets at naught all local laws, and while it throws away every hope of reconciliation, either now or in the future, it at the same moment looks to the enslavement of the white citizens of the country.

Sir, if this is the beginning of a radical

change in our Constitution, is it not the forerunner of other usurpations of a like nature with those that the Executive of this Government has from time to time resorted to, setting aside the laws and the Constitution, and the rights of individuals and States guaranteed by them? This change once commenced, will not stop, but go on from usurpation to usurpation, until individuals and States are swallowed up in a common ruin. The President and those who surround him have so far ignored all law and rights that we may next expect to see introduced in this body amendments permanently striking out the writ of *habeas corpus*. Then will follow the erasure of the second section of article four of the Constitution, third clause :

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Which you have practically done already. Following in the wake of the extinction of this chartered right will be the destruction of a free press, to be placed under the absolute control and dictation of an Executive, perhaps an ambitious one, and allowed only to publish such matters as shall meet the approving caprice of his excellency or some of his agents who shall be assigned to this degrading duty. Then, sir, the right of free speech, freedom of conscience, and trial by jury, will be demanded to complete the holocaust on the altar of a despotism as ruthless as it is unrelenting. This fearful sacrifice of our liberties will be interspersed at will by the agreeable pastime of stealing property, gobbling up Legislatures, men thrown in and let out of prison, being neither informed why they were put in or why they were let out, and redress denied for wrongs inflicted. This you have tried to do by the act of March 3, 1863, section four, which makes the order of the Presi-

dent a good defense against such arrests, to wit:

"That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defense in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defense may be made by special plea or under the general issue."

In this section the party in power were quite aware the Supreme Court would declare unconstitutional, and to remedy that you have passed the seventh section, limiting the time in which suit must be instituted to two years. This you could do, this you did do, but was it right or just thus to act?

A most remarkable similarity exists in the acts of this Administration toward the people of the North and those that were perpetrated by the mother country against the colonies, and which called forth from those colonies and now these States such able, persevering, and just appeals for redress. These like acts in a great measure produced the Revolution, whereby the mother country lost the colonies. Some may think I speak without the record. To it I appeal.

In the first Continental Congress, in an address containing a declaration of rights, it was held that seizing, or attempting to seize, any American in order to transport him over the seas for trial was a violation of the rights and privileges of the colonies. Does not this Administration almost daily transport citizens from State to State, from fort to fort without any legal procedure whatever? It broke up and dispersed or imprisoned the Legislature of Maryland. Parliament in like manner in 1767 suspended the functions of the New York Assembly. My friends from Illinois have the misfortune to have a Governor at this time who assumed a like despotic prerogative. In 1765 the stamp act was passed; and if you examine it you will find the same interference with the right of trial by jury through an admiralty jurisdiction, transferring decisions of the law and trials of persons from the colonial courts, where it of right belonged, to the admiralty courts of England, presided over by the pets of the Crown; and, sir, now, in 1864, the right of trial by jury is interrupted by military power, in each case the result being alike. The *Gazetteer* of that day tells us that one Captain McDougal was arrested in New York because he saw fit to speak freely his opinions. How many hundreds of such cases have occurred since this Administration came into power? This was one of the grievances complained of by the colonies, and redress being refused they fell back upon their inalienable right of life with liberty if life at all.

In 1774 town meetings were interdicted by act of Parliament. What have gentlemen from Kentucky to say as to the same despotic proceeding in their own sovereign State? Her

recent history shows that without even the flimsy pretext of an unconstitutional enactment, similar, ay, worse, interferences have taken place with the freedom of speech. Public meetings in my own district have been interrupted under the *quasi* approval of the police, and would have been broken up but for the grit of those who composed the assembly. Sir, I am one of those who obey the laws. I never did and never will counsel or counteract any resistance thereto, but when the right of the people to assemble peaceably and discuss their grievances is trampled down by unconstitutional enactments or the illegal and unwarranted exercise of military force, then, then, sir, I would say to the people:

"Think through whom your life-blood tracks its parent course,  
And then—strike home!"

The suspension of newspapers occurred at the same early period that marked the interference with public meetings by the minions of the British Crown. In our own day, side by side with the breaking up of public assemblies, goes the invasion of newspaper offices and the suppression of their publication. Is not the parallel complete?

Mr. Speaker, I cling to the States as a shipwrecked man clings to the plank. They gave the Constitution birth. We lived under it happily, cheerfully, and prosperously up to the advent of this Administration. I believe a change of the Administration will again make us united, happy, and prosperous. I look to its approach with a hope full of promise. I will hail it as a glad return from the decaying era of the Roman republic, when spies, informers, and a despotic military power prevailed against civil liberty, and made her the "lone mother of dead empires." But if the great conservative party of the country is beaten in the coming presidential campaign, I see no hope, unless a power mightier than man's so rules the heart and judgment of the Executive as to cause him to acknowledge his errors, correct them, and by carrying out the principles enunciated in his inaugural entitle himself to the good opinion of all who love truth and constitutional liberty. If this unlooked-for change should occur, such another exhibition will be witnessed as took place in Congress in April, 1861, when the nation, through her representatives, spoke almost as one man in favor of crushing the rebellion, yet maintaining, "unimpaired, the rights of the States."

Sir, there is a fixed and growing belief in the public mind that the conduct of this Administration is not what it should be; hence, I in all sincerity desire a change such as will re-establish confidence among the people, and thus strengthen the capacity of the North to restore the Union, and preserve, protect, and defend the Constitution and the laws enacted under its provisions. Let us get rid of all laws extracted through imaginary implications of that instrument. Let the Adminis-

tration walk up to the line of policy and principle upon which a large majority of the people agree, stand firmly and immovably there, and I will predict no failure in the success of our efforts to bring about amity among the now parted States. This feeling was shown at the period to which I have alluded through the channel of volunteering, whereas now, under the changed policy of the Administration, drafting has failed and volunteering is of the past. Universal conscription comes next. The beginning of the war found a united North and a divided South in sentiment and action. How is it to-day? Under the inroads upon the Constitution by those in power we find the South united, and the North, to a great extent, almost equally divided.

Sir, I maintain that the only mode in which the Union can be restored and put on the march of a newer and more glorious progress, is by having due regard to the mutual advantages and interests of the States. This will rest our liberties on a solid basis. This cannot be done by laying waste their lands, or by carrying off their property, or by en-

deavoring to make the African that which God did not intend—the physical, mental, and social equal of the white man. Nor can it be done by tinkering with the Constitution as it now proposed. Let the Constitution alone. It is good enough. Under it we grew in power and dignity until the civilized world were compelled to admit the “capacity of man for self-government.” Let the old constitutional tree stand in all its fullness and beauty, not a leaf withered and dropping, not a bough dead and lopped off; let it stand, and under its refreshing shade, beneath its green branches, there will yet repose a united, happy, and prosperous people.

The heart of the nation has been wonderfully stirred by the following words of an American poet, so that they have passed into household language:

“Woodman, spare that tree!  
Touch not a single bough;  
In youth it sheltered me,  
And I’ll protect it now.”

Paraphrasing these touching words, I to-day invoke this House to protect the Constitution of our fathers.

